

At the meeting of the Public Service Commission of the State of Montana held at the Commission's Offices in Helena, Montana, on Thursday, October 14, 2004, at 9:30 a.m., the following members were present:

Bob Rowe, Chairman
Thomas J. Schneider, Vice Chairman
Matt Brainard, Commissioner
Greg Jergeson, Commissioner
Jay Stovall, Commissioner

APPEARANCE

Gary Duncan
Utility Division

(405) In the matter of Qwest Services Corporation- Docket No. N2004.9.152: On September 14, 2004 Qwest Service Corporation filed a Petition for Waiver of Months to Exhaust/Utilization Threshold requirements set forth in the FCC's Number Resource Optimization Order, FCC 00-429 and FCC 01-362.

Commissioner Stovall moved to grant the petition for Waiver of Months to Exhaust/Utilization Threshold requirements. Commissioner Jergeson seconded the motion, which passed unanimously.

APPEARANCE

Wayne Budt, Administrator
Transportation & Centralized Services Division

(406) In the matter of T-04.53.PCN: Kenneth W. Griffith dba Ken Griffith Excavating, Baker Montana application for Certificate of Convenience and Necessity. The application was noticed to the public on September 8, 2004 and a protest was received. The parties have agreed to the following stipulation:

Class D- Garbage from the Powder River County Transfer Station to certified landfills.

Commissioner Schneider moved to grant the Certificate of Convenience and Necessity with the stipulation. Commissioner Jergeson seconded the motion, which passed unanimously.

(407) In the matter of TN2236: Donald A. Hurley dba Arrive in Style, Billings, Montana requests permission to continue the lease of PSC No. 9448 to Harry F. Willson dba A+ Limousine Service, Billings, Montana for a 12 month period, October6, 2004 to October 6, 2005.

Commissioner Stovall moved to grant the continuance on the lease of PSC No. 9448. Commissioner Brainard seconded the motion, which passed unanimously.

(408) In the matter of the approval of Commission Minutes: Commissioner Brainard moved to approve the Commission Minutes for the week of October 4, 2004. Commissioner Stovall seconded the motion, which passed unanimously.

APPEARANCE

Kate Whitney, Administrator Utility Division
Tina Shorten, Utility Division

(409) In the matter of the Commission's discussion of D2004.8.133: October 20, 2004 CLEC Forum.

Commissioner Jergeson moved to not include the Three Rivers identified issues as part of the next CLEC forum and postpone the forum indefinitely. Commissioner Brainard seconded the motion, which passed unanimously.

APPEARANCE

Martin Jacobson
Legal Division

(410) In the matter of the Commission's discussion of D2003.1.14: WWC Holding Company (Western Wireless) Application for Designation as ETC.

Commissioner Brainard moved to adopt the order granting Western Wireless application as an ETC subject to conditions as described. Commissioner Rowe seconded the motion, which passed unanimously.

Commissioner Schneider moved to modify the draft order to replace the 100% with 98%. Commissioner Stovall seconded the motion, which passed 4-1. Commissioner Jergeson voted nay.

(411) In the matter of the Commission's discussion of D2004.2.23, L-04.07.5-RUL: MITS, MTA Petition for ETC Rulemaking.

Commissioner Jergeson moved to issue a notice of proposed rulemaking, setting the public hearing on draft rules for December 3, 2004. Commissioner Stovall seconded the motion, which passed unanimously.

APPEARANCE

Martin Jacobson, Legal Division
Leroy Beeby, Utility Division

(412) In the matter of the Commission's discussion of D2004.3.46: Energy West Stipulated Agreement for Revenue Requirements.

Commissioner Brainard moved to adopt the stipulated interim order. Commissioner Stovall seconded the motion, which passed unanimously.

APPEARANCE
Kate Whitney, Administrator
Utility Division

(413) In the matter of the Commission's discussion of Draft evaluation criteria for NorthWestern Energy post bankruptcy acquisition proposals.

Commissioner Jergeson moved to publish the factors for acquisition and to send the document to the chair of the Creditor's Committee, making the document available to any entity who may be considering purchasing all or part of the property, and then issue a press release transmitting the document. Commissioner Brainard seconded the motion, which passed unanimously.

APPEARANCE
Martin Jacobson
Legal Division

(414) In the matter of the Commission's discussion of L-04.07.4-RUL: proposed amendment to OSP rules.

Commissioner Schneider moved to approve the amendment to the OSP rules. Commissioner Stovall seconded the motion, which passed unanimously.

(415) In the matter of the Commission's discussion of L-04.07.6-RUL: proposed repeal of Municipal Utility rules.

Commissioner Jergeson moved to repeal the Municipal Utility rules. Commissioner Stovall seconded the motion, which passed unanimously.

(416) In the matter of the Commission's discussion of L-04.04.1-RUL: amend motor carrier fee and protestant rules.

Commissioner Schneider moved to adopt the rules concerning motor carrier application fees and protestant procedures as proposed. Commissioner Stovall seconded the motion, which passed unanimously.

(417) In the matter of the Commission's discussion of T-04.40.PCN: Ravalli County Council on Aging application for amendment to motor carrier authority.

Commissioner Brainard moved to approve the stipulation in Docket No. T-04.40.PCN. Commissioner Schneider seconded the motion, which passed unanimously.

APPEARANCE

Robin McHugh

Legal Division

(418) In the matter of the Commission's discussion of T-04.15.PCN: Spiros Cagley application for Taxi PC&N.

Commissioner Schneider moved to adopt the order as described with Commissioner Rowe's discussion appearing under the order. Commissioner Stovall seconded the motion, which passed unanimously.

APPEARANCE

Al Brogan

Legal Division

(419) In the matter of the Commission's discussion of D97.7.91: PacifiCorp Transition Plan.

Commissioner Brainard moved to direct to draft an order determining that the Commission does not have the authority to grant negative transition costs in this case. Commissioner Stovall seconded the motion, which passed 3-1. Commissioner Rowe voted nay. Commissioner Schneider, Vice Chairman, recused himself from the meeting.

There being no further business to come before the Commission the meeting was adjourned.

BOB ROWE, Chairman

THOMAS J. SCHNEIDER, Vice Chairman

MATT BRAINARD, Commissioner

GREG JERGESON, Commissioner

JAY STOVALL, Commissioner

ATTEST:

Connie Jones
Commission Secretary

(SEAL)